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 FM USMISSION USUN NEW YORK
 TO SECSTATE WASHDC IMMEDIATE 8227
 INFO USMISSION GENEVA IMMEDIATE
 AMEMBASSY BEIJING IMMEDIATE
 AMEMBASSY MOSCOW IMMEDIATE
 AMEMBASSY LONDON IMMEDIATE
 AMEMBASSY PARIS IMMEDIATE

C O N F I D E N T I A L USUN NEW YORK 003266

PLEASE PASS TO CROOK, MATTHESON

E.O.12356: DECL, OADR
 TAGS: RW, UK, US, CH, RS, FR
 SUBJECT: RWANDA - GENOCIDE AND WAR CRIMES

REF USUN 0327

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 2. LEGAL (FRENCH MISSION) HAS FORWARDED LIST OF
 QUESTIONS FROM PARIS. USUN WOULD APPRECIATE
 DEPARTMENT'S VIEW ASAP SO WE CAN GET BACK TO FRENCH.
 LEGAL PREFACED QUESTIONS BY STATING "PARIS IS NOT
 ADVERSE TO THE US IDEA BUT NEEDS A FEW ADDITIONAL
 ELEMENTS TO CLARIFY THE CONCEPT IN LEGAL TERMS."

3. FRENCH QUESTIONS: AMONG THE QUESTIONS THE FRENCH
 GOVERNMENT WOULD LIKE TO SEE CLARIFIED BEFORE ANY STEPS
 ARE TAKEN ON THE ISSUE OF THE DETENTION OF PEOPLE
 SUSPECTED OF VIOLATIONS OF HUMANITARIAN LAW ARE THE

FOLLOWING:

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--1. WOULD THIS NEW MANDATE (DETENTION) BE APPLICABLE TO UNAMIR AS WELL AS TO OTHER FORCES PRESENT IN RWANDA? IF SO, WOULD THE AMERICAN FORCES DEPLOYED OR ABOUT TO BE DEPLOYED IN KIGALI PARTICIPATE IN SUCH A MISSION GIVEN BY A RESOLUTION OF THE SECURITY COUNCIL? THE FRENCH GOVERNMENT WOULD ALSO WELCOME CLARIFICATION OF THE LEGAL GROUNDS FOR THE PRESENCE OF US FORCES IN RWANDA (PARTICIPATION IN UNAMIR, RESOLUTION 929?)

--2. WOULD THE NEW MANDATE FALL UNDER CHAPTER VI, WHICH WOULD REQUIRE AN AGREEMENT FROM THE NEW RWANDESE GOVERNMENT --AGREEMENT THAT MAY BE DIFFICULT TO SECURE IF ONE CONSIDERS THE RECENT STATEMENTS BY AUTHORITIES IN KIGALI, OR WOULD IT BE PLACED UNDER CHAPTER VII?

--3. ON WHAT LEGAL GROUNDS WOULD THE FORCES CONCERNED HAVE TO DECIDE WHETHER INDIVIDUAL PERSONS CAN REASONABLY BE SUSPECTED OF HAVING COMMITTED SERIOUS VIOLATIONS OF
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INTERNATIONAL HUMANITARIAN LAW: GENEVA CONVENTIONS,
CONVENTION FOR THE PREVENTION AND THE REPRESSION OF
GENOCIDE...? WHAT WOULD BE THE PERIOD OF REFERENCE FOR
SUCH VIOLATIONS?

--4. UNDER THE CONTROL OF WHICH INTERNATIONAL BODY OR INSTITUTION WOULD THE DETENTION BE ORGANIZED?

--5. TO WHICH AUTHORITIES AND IN WHICH CONDITIONS WOULD THE FORCES SURRENDER THE PERSONS PUT IN DETENTION?

--6. WHAT WOULD BE THE LINK BETWEEN THE NEW RESOLUTION UNDER CONSIDERATION AND RESOLUTION 935 DEALING WITH THE COMMISSION OF EXPERTS?

ALBRIGHT

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